

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELIJAH THOMPSON	:	
	:	
Plaintiff,	:	Civil Action No. 22-CV-4051
vs.	:	
	:	
DAVID HAINES, <i>et al.</i>	:	
	:	
Defendants	:	

ORDER

AND NOW, this _____ day of _____, 2023, upon consideration of Plaintiff's Motion for Subpoena to Produce Documents and Information on all Video Footage and Defendants' response thereto it is hereby **ORDERED** that the Motion to Subpoena to Produce Documents and Information on all Video Footage is **DENIED AS MOOT**.

BY THE COURT:

JOHN R. PADOVA, J.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELIJAH THOMPSON	:	
	:	
Plaintiff,	:	Civil Action No. 22-CV-4051
vs.	:	
	:	
DAVID HAINES, <i>et al.</i>	:	
	:	
Defendants	:	

**RESPONSE OF DEFENDANTS TO PLAINTIFF'S MOTION FOR SUBPOENA TO
PRODUCE DOCUMENTS AND INFORMATION ON ALL VIDEO FOOTAGE**

Defendants, Corporal David Haines, Sergeant Mark DiOrio, Correctional Officer Robert Cross, Corporal Sundifu Dorley, Correctional Officer Ricardo Espinoza-Martinez, Warden Ronald M. Phillips, Director of Inmate Services Tim Mulrooney, Major Morgan L. Taylor (Director of Security Operations), and Captain Peter Sergi, by and through their attorneys, Lamb McErlane PC, hereby file this brief Response to Plaintiff's Motion for Subpoena to Produce Documents and Information on All Video Footage.

While the proposed Subpoena submitted by Plaintiff as part of the Motion for Subpoena to Produce Documents and Information on All Video Footage [ECF No. 32] is unclear regarding the specific documents and materials that Plaintiff is seeking, upon examination of the Certificate of Service accompanying said filing, it appears that Plaintiff is requesting copies of his inmate file, documents related to the incidents described in the Complaint, and video footage from November 29, 2020¹ and November 21, 2022.

¹ Plaintiff's Amended Complaint identifies an incident that occurred on December 29, 2020 as one of the events giving rise to Plaintiff's claims. Defendants assume Plaintiff seeks video footage of that December 29, 2020 incident and that the November 29, 2020 date written in the proposed subpoena was simply a numerical error.

With respect to Plaintiff's request for copies of his inmate file and documents related to the incident described in the Complaint, all of those written materials were mailed to Plaintiff, via first-class mail, by the undersigned counsel on December 7, 2022. *See Exhibit "A" attached hereto*². *See also Exhibit "B" attached hereto.* Plaintiff was provided with 499 pages of documents representing his entire inmate file and all documents/written materials related to the incidents described in all four of Plaintiff's pending federal actions (Docket Nos. 22-CV-3507, CV-22-4051, 22-CV-4052, and 22-CV-2053).

Lastly, regarding Plaintiff's request to view all video footage from December 29, 2023 and November 21, 2022, the undersigned counsel will make an appointment or arrangements with Plaintiff at the Chester County Prison to allow Plaintiff the opportunity to view the video footage that Plaintiff requests (and all other video footage related to Docket Nos. 22-CV-3507, CV-22-4051, 22-CV-4052, and 22-CV-2053). The undersigned counsel will make good faith efforts to accomplish this task within the next sixty (60) days. Plaintiff is encouraged to communicate directly with Defendants' counsel regarding any discovery related requests before filing formal motions with the Court.

WHEREFORE, Defendants respectfully request that Plaintiff's Motion for Subpoena to Produce Documents and Information on All Video Footage be denied as moot.

² Documents bates labeled D 00001-00499 were produced with the December 7, 2022 letter and initial disclosures for Case No. 22-CV-3507, however those documents are intentionally omitted from the Exhibit "A" attached hereto.

EXHIBIT A

L A M B | M c E R L A N E ^{PC}

ATTORNEYS AT LAW

Katherine E. LaDow, Esquire
Voice: (610) 430-8000
Fax: (610) 692-0877
kladow@lambmcerlane.com

December 7, 2022

Via First-Class Mail

Elijah Thompson (# 75287)
Chester County Prison
501 Wawaset Road
West Chester, PA 19382

Re: **Thompson v. Miller, et al. (No. 22-CV-3507)**
Thompson v. Swift, et al. (No. 22-CV-4052)

Dear Mr. Thompson,

Enclosed, please find Defendants' Initial Disclosures for Civil Action Nos. 22-CV-3507 and 22-CV-4052. Additionally, please find documents which have been marked as D 00001 – D 00499.

Very truly yours,

LAMB McERLANE PC



Katherine E. LaDow

Enclosures

cc: Guy A. Donatelli, Esquire

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELIJAH THOMPSON	:	
	:	
Plaintiff,	:	Civil Action No. 22-CV-3507
vs.	:	
	:	
KEITH MILLER, WARREN HOLMES,	:	
NATHAN REESE, WILLIAM BARKER	:	
and ROBERT CROSS	:	
	:	
Defendants	:	

INITIAL DISCLOSURES OF DEFENDANTS

Defendants, Sergeant Keith Miller, Correctional Officer Warren Holmes, Correctional Officer Nathan Reese, Correctional Officer William Barker, and Correctional Officer Robert Cross, by and through their undersigned counsel, hereby serve the following Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1):

I. INTRODUCTION

1. Defendants submit this Disclosure Statement without waiver of any applicable privilege.
2. Defendants expressly reserve the right to object to the admissibility at trial of any information contained in or derived from this Disclosure Statement.
3. Defendants do not concede the relevancy of any information contained in or derived from this Disclosure Statement.
4. Defendants disclaim the need to supplement this Disclosure Statement beyond the requirements as set forth in the Federal Rules of Civil Procedure.

5. Defendant expressly reserve the right to rely upon the individuals identified in this Disclosure Statement for subjects other than those identified herein in response to the Disclosure Statements of other parties, the evidence and/or testimony.

6. Defendants reserve the right to amend this Disclosure Statement and to add additional witnesses.

II. PERSONS WITH KNOWLEDGE

1. **Sergeant Keith Miller (#556)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

2. **Correctional Officer Warren Holmes (#1039)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

3. **Correctional Officer Nathan Reese (#1075)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

4. **Correctional Officer William Barker**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

5. **Correctional Officer Robert Cross (#1146)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

6. **Deputy Warden Ocie Miller**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020 and general inmate protocols.

7. **Lieutenant Scott Thomas (#126)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

8. **Correctional Officer Balmer (#1140)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

9. **Sergeant Hamilton (#207)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

10. **Corporal Powers (#894)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

11. **Sergeant Ricardo Ramos (#762)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

12. **Correctional Officer Presswood (#994)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

13. **Correctional Officer M. Sprameli (#952)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

14. **Correctional Officer Chavez (#1099)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

15. **Lieutenant David Ham (#490)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

16. **Corporal Nieves (#427)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

17. **Correctional Officer Theodore Bolden (#930)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

18. **Correctional Officer Whiteside (#608)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

19. **Correctional Officer G. Hernandez (#790)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

20. **Correctional Officer Carroll (#633)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

21. **Corporal Sharp (#892)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

22. **Corporal Kimberly Johnson (#737)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

23. **Correctional Officer Luke Brahl (#920)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020.

24. **Warden Ronald M. Phillips**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 09/14/2020 and general inmate protocols.

25. Any individuals needed to authenticate any documents, including medical records.

The Defendants may rely on any witnesses identified by Plaintiff, noticed for a deposition by either party or otherwise identified through ongoing investigation and discovery in this case.

III. RELEVANT DOCUMENTS TO SUPPORT CLAIMS/DEFENSES

The Defendants may rely on the following categories of relevant, non-privileged documents, electronically stored information, and tangible things in its possession, custody, or control to support its defenses:

1. Plaintiff's Inmate File (D 00001 – D 00462)
2. Chester County Prison Inmate Handbook (D 00463 – D 00499)

The Defendants may rely on any documents produced by Plaintiff or otherwise produced through ongoing investigation and discovery in this case.

IV. COMPUTATION OF DAMAGES

The County of Chester does not seek to recover money damages at this time, but reserves the right to seek all remedies and relief that may become known during the course of this case, including Defendant's costs or suit as a prevailing party, as permitted by law.

V. **INSURANCE**

The County of Chester (i.e. Chester County Prison) has a self-insured retention of \$50,000 and beyond that through a policy issued by County Commissioners Association of Pennsylvania (CCAP), a copy of which may be produced upon request.

Respectfully submitted,

LAMB McERLANE PC

Dated: December 7, 2022

By: /s/Katherine E. LaDow
Guy A. Donatelli
Katherine E. LaDow
Attorney ID Nos. 44205/321590
24 E. Market Street
West Chester, PA 19381
gdonatelli@lambmcerlane.com
kladow@lambmcerlane.com
610-430-8000

Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELIJAH THOMPSON	:	
	:	
Plaintiff,	:	Civil Action No. 22-CV-3507
vs.	:	
	:	
KEITH MILLER, WARREN HOLMES,	:	
NATHAN REESE, WILLIAM BARKER	:	
and ROBERT CROSS	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that in this case complete copies of the foregoing Initial Disclosures of Defendants have been served upon the following person(s), by the following means and on the date(s) stated:

<u>Name</u>	<u>Means of Service</u>	<u>Date of Service</u>
Elijah Thompson #75287 Chester County Prison 501 Wawaset Road West Chester, PA 19382	First-Class Mail	December 7, 2022

LAMB McERLANE PC

Dated: December 7, 2022

By: /s/Katherine E. LaDow
Guy A. Donatelli
Katherine E. LaDow
Attorney ID Nos. 44205/321590
24 E. Market Street
West Chester, PA 19381
gdonatelli@lambmcerlane.com
kladow@lambmcerlane.com
610-430-8000

Counsel for Defendants

Respectfully submitted,

LAMB McERLANE PC

Dated: October 12, 2022

By: /s/Katherine E. LaDow
Guy A. Donatelli
Katherine E. LaDow
Attorney ID Nos. 44205/321590
24 E. Market Street
West Chester, PA 19381
gdonatelli@lambmcerlane.com
kladow@lambmcerlane.com
610-430-8000

Counsel for Defendants

EXHIBIT B

L A M B | M c E R L A N E ^{PC}

ATTORNEYS AT LAW

Katherine E. LaDow, Esquire
Voice: (610) 430-8000
Fax: (610) 692-0877
kladow@lambmcerlane.com

February 7, 2023

Via First-Class Mail

Elijah Thompson (# 75287)
Chester County Prison
501 Wawaset Road
West Chester, PA 19382

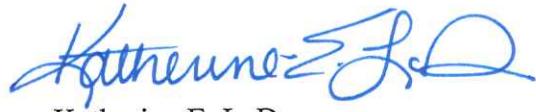
Re: Thompson v. Haines, et al. (No. 22-CV-4051)

Dear Mr. Thompson,

Enclosed, please find Defendants' Initial Disclosures for Civil Action No. 22-CV-4051. The documents referenced as D 00001 – D 00499 were previously mailed to you with my December 7, 2022 letter.

Very truly yours,

LAMB McERLANE PC



Katherine E. LaDow

Enclosures

cc: Guy A. Donatelli, Esquire

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELIJAH THOMPSON	:	
	:	
Plaintiff,	:	Civil Action No. 22-CV-4051
vs.	:	
	:	
DAVID HAINES, <i>et al.</i>	:	
	:	
Defendants	:	

INITIAL DISCLOSURES OF DEFENDANTS

Defendants, Corporal David Haines, Sergeant Mark DiOrio, Correctional Officer Robert Cross, Corporal Sundifu Dorley, Correctional Officer Ricardo Espinoza-Martinez, Warden Ronald M. Phillips, Director of Inmate Services Tim Mulrooney, Major Morgan L. Taylor (Director of Security Operations), and Captain Peter Sergi by and through their undersigned counsel, hereby serve the following Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1):

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4. Defendants disclaim the need to supplement this Disclosure Statement beyond the requirements as set forth in the Federal Rules of Civil Procedure.

5. Defendant expressly reserve the right to rely upon the individuals identified in this Disclosure Statement for subjects other than those identified herein in response to the Disclosure Statements of other parties, the evidence and/or testimony.

6. Defendants reserve the right to amend this Disclosure Statement and to add additional witnesses.

II. PERSONS WITH KNOWLEDGE

1. **Corporal David Haines**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 12/29/2020.

2. **Sergeant Mark DiOrio**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 12/29/2020

3. **Correctional Officer Robert Cross**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 12/29/2020.

4. **Warden Ronald M. Phillips**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incidents that occurred on 12/29/2020 and 11/21/2022 and general inmate protocols.

5. **Deputy Warden Ocie Miller**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incidents that occurred on 12/29/2020 and 11/21/2022 and general inmate protocols.

6. **Corporal Sundifu Dorley**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 11/21/2022.

7. **Correctional Officer Ricardo Espinoza-Martinez**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 11/21/2022.

8. **Director of Inmate Services Tim Mulrooney**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 11/21/2022.

9. **Major Morgan L. Taylor (Director of Security Operations)**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 11/21/2022.

10. **Captain Peter Sergi**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 11/21/2022.

11. **Corporal Conor Lesch**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 11/21/2022.

12. **Corporal Daniel Carroll**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 11/21/2022.

13. **Lieutenant Kenneth Boyd**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 12/29/2020.

14. **Corporal J. Nieves**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 12/29/2020.

15. **Lieutenant Kimberly Johnson**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 12/29/2020.

16. **Correctional Officer Nathan Reese**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 12/29/2020.

17. **Correction Officer Ahsimm Presswood**
c/o Lamb McErlane PC
24 E. Market Street
West Chester, PA 19381

Believed to have knowledge regarding the incident that occurred on 12/29/2020.

18. Any individuals needed to authenticate any documents, including medical records.

The Defendants may rely on any witnesses identified by Plaintiff, noticed for a deposition by either party or otherwise identified through ongoing investigation and discovery in this case.

III. RELEVANT DOCUMENTS TO SUPPORT CLAIMS/DEFENSES

The Defendants may rely on the following categories of relevant, non-privileged documents, electronically stored information, and tangible things in its possession, custody, or control to support its defenses:

1. Plaintiff's Inmate File (D 00001 – D 00462 – previously produced)
2. Chester County Prison Inmate Handbook (D 00463 – D 00499 – previously produced)

The Defendants may rely on any documents produced by Plaintiff or otherwise produced through ongoing investigation and discovery in this case.

IV. COMPUTATION OF DAMAGES

The County of Chester does not seek to recover money damages at this time, but reserves the right to seek all remedies and relief that may become known during the course of this case, including Defendant's costs or suit as a prevailing party, as permitted by law.

V. **INSURANCE**

The County of Chester (i.e. Chester County Prison) has a self-insured retention of \$50,000 and beyond that through a policy issued by County Commissioners Association of Pennsylvania (CCAP), a copy of which may be produced upon request.

Respectfully submitted,

LAMB McERLANE PC

Dated: February 7, 2023

By: /s/Katherine E. LaDow
Guy A. Donatelli
Katherine E. LaDow
Attorney ID Nos. 44205/321590
24 E. Market Street
West Chester, PA 19381
gdonatelli@lambmcerlane.com
kladow@lambmcerlane.com
610-430-8000

Counsel for Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELIJAH THOMPSON	:	
	:	
Plaintiff,	:	Civil Action No. 22-CV-4051
vs.	:	
DAVID HAINES, <i>et al.</i>	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that in this case complete copies of the foregoing Initial Disclosures of Defendants have been served upon the following person(s), by the following means and on the date(s) stated:

<u>Name</u>	<u>Means of Service</u>	<u>Date of Service</u>
Elijah Thompson #75287 Chester County Prison 501 Wawaset Road West Chester, PA 19382	First-Class Mail	February 7, 2023

LAMB McERLANE PC

Dated: February 7, 2023

By: /s/Katherine E. LaDow
Guy A. Donatelli
Katherine E. LaDow
Attorney ID Nos. 44205/321590
24 E. Market Street
West Chester, PA 19381
gdonatelli@lambmcerlane.com
kladow@lambmcerlane.com
610-430-8000

Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELIJAH THOMPSON	:	
	:	
Plaintiff,	:	Civil Action No. 22-CV-4051
vs.	:	
	:	
DAVID HAINES, <i>et al.</i>	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE

This is to certify that in this case complete copy of the foregoing Response to Plaintiff's Motion for Subpoena to Produce Documents and Information on all Video Footage has been filed electronically and is available for viewing and downloading from the ECF system. This document is being served upon the following person via first class mail:

Name

Elijah Thompson #75287
Chester County Prison
501 Wawaset Road
West Chester, PA 19382

Date of Service

February 7, 2023

LAMB McERLANE PC

Dated: February 7, 2023

By: /s/Katherine E. LaDow
Guy A. Donatelli
Katherine E. LaDow
Attorney ID Nos. 44205/321590
24 E. Market Street
West Chester, PA 19381
gdonatelli@lambmcerlane.com
kladow@lambmcerlane.com
610-430-8000

Counsel for Defendants